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S E R M O N

AT THE

ASSIZES AT DURHAM,

AUGUST 13, 1794.



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S E R M O N

PREACHED BEFORE THE

HONOURABLE AND RIGHT REVEREND

S H U T E,

LORD BISHOP OF DURHAM;

THE

HON. Mr. JUSTICE ROOKE;

AND THE

HON. Mr. JUSTICE LAWRENCE;

AT THE

A S S I Z E S

HOLDEN AT DURHAM, THE 13TH OF AUGUST, 1794.

By REYNOLD GIDEON BOUYER, L. L. B.

PREBENDARY OF DURHAM.

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1794.



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S E R M O N, &c.

1 P E T. ii. 13, 14.

SUBMIT YOURSELVES TO EVERY ORDINANCE OF MAN FOR THE LORD'S SAKE, WHETHER IT BE TO THE KING, AS SUPREME;—OR UNTO GOVERNORS, AS UNTO THEM THAT ARE SENT BY HIM FOR THE PUNISHMENT OF EVIL DOERS, AND FOR THE PRAISE OF THEM THAT DO WELL.

IT is the peculiar and unrivalled excellence of the christian religion, to harmonize our present and future concerns, to make things temporal preparatory and sub-servient to things eternal, to teach us the right use of this world, and the infinitely higher importance of the next, and continually to remind us, that every action of this life constitutes a part of that trial which is to be decisive of our future destiny for ever.

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As no other principle can afford equal security for the faithful discharge of the duties annexed to our several stations, it follows that the christian institutes are the firmest supports of civil society, and that as the best christian would infallibly be the happiest man upon earth; so would a people composed of such christians be, not only the wisest and best regulated, but the most respected and flourishing nation in the world.

To evince this, we need but suppose a state, where the fear and love of God, such as we find it prescribed in the gospel, should constitute the grand moving principle—where the executive power of the Sovereign, the irresistible controul of the legislature, the treasures of learning, the ardour of courage, the magic of eloquence, the inventions of genius, the dexterity of art, the perseverance of industry, the enterprizing spirit of commerce, the influence of accumulated wealth; all the faculties of the mind, and the whole strength and vigour of the body,—should be acknowledged and faithfully employed, by the respective individuals and classes of society who are endued with any such qualities, as talents committed to their charge by the great proprietor of the universe, before whose dread tribunal they must account for their diligence in the use of these advantages, and for their uprightness in the application of them to the general benefit and service of mankind—In a word, where *every ordinance of man* should tend to the glory of God, and the felicity of the people; and where every individual should *submit himself to such ordinances for the Lord's sake*.

But

But as the obligations of morality were made more complicated upon the forfeiture of man's innocence, and new cautions and restraints became necessary to guard the human heart against the seductions of every inordinate desire that had once gained admittance there—so is it a necessary, though humiliating article in the associations of such imperfect and degenerate creatures, to provide—that the concentrated power of the community shall be assiduously and effectually exerted to the terror and for the punishment of those, who by their vices and crimes, by the propagation of their evil principles, and the seductive influence of their bad examples, shall violate the laws of the society to which they belong, shall disturb its tranquility, wound its peace, and endanger its safety—and that the same authority be employed in the protection and encouragement of such as, by faithfully discharging the duties of their station, according to the ability which God hath given them, contribute to the harmony, the peace and prosperity of the nation.

The laws enacted for these essential purposes, are called by our apostle, *ordinances of man*; not to separate them absolutely from the laws of God; for with these the greatest and most important part of them have a necessary and fundamental connexion: much less to set up human authority in competition with, or opposition to, divine commands—for against this we have the noble testimony of the same Peter's undaunted conduct at the very commencement of his public ministry—but to intimate that every legislature hath an unquestionable right, not only to enforce by the additional sanction of

temporal rewards and punishments the observance of such parts of religion and morality as have a more immediate influence on the welfare of men in a state of society; but also, to create such new duties and obligations in respect to things otherwise indifferent, as shall, in the judgement of such legislators, conduce to those purposes for which they are entrusted with the power of the state.

As to the nature of that *submission* to which we are here exhorted, though the force of the expression may seem sufficiently evident: yet certain subterfuges have been variously devised by the advocates for licentiousness, which it will be necessary to obviate by some explanatory remarks.

And first; he who offends against the laws of his country may not flatter himself that by a subsequent submission—whether forced or voluntary—to the punishment appointed for that offence, he shall fulfil his duty to the public, and cancel the debt of justice. For the sanction of laws is not intended to indicate a compromise for transgressions, but to effect the prevention of them.

It is not often that men set up this absurd defence in behalf of crimes which may bring them to the hazard of life or liberty; because *there* they are apt to consider the forfeiture incurred as *more* than an equivalent on their part: and yet, even in these cases, the atonement is so far from repairing the injury done to the public, that it even aggravates the offence, by withdrawing such member,

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either

either wholly, or in part, from the duties of his particular station, from the support of those who depended upon him, and from the general claims of society.—But this species of popular sophistry is more frequently suggested to weak and ignorant minds in regard to those laws, the violation of which is avenged by a diminution of the offender's property.

Persons solicited by such temptations, unless they wish to deceive themselves, should consider that, after the offence is punished, the effect of their ill example remains, and that the commutation is not, on their part, intended to stand upon an equal footing; but that at the bottom of their proceedings lurks the fraudulent hope of being enabled by many gainful escapes to overbalance a few detections; and that the shame and ignominy inseparable from all punishments sufficiently demonstrate that offenders of this class, howsoever they may seem to have satisfied the letter of the law, do not stand acquitted in the general opinion of mankind, any more than they ought to be by the verdict of their own consciences.

II. Neither will the moral and religious force of the precept in the text be properly complied with, by that inactive submission which consists in a mere neutrality in respect to the execution of those laws on which the public peace and security depend. It is not always enough that we ourselves avoid offending. An active support of, and vigorous co-operation with, the power of the state, for the prevention, detection, or punishment of dangerous and heinous

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ous crimes, becomes the absolute duty of individuals on many occasions.

The laws are a mere dead letter, unless the several persons, who are charged with their administration, do faithfully and diligently exercise the powers with which they are invested; and those who are armed with such authority, would find their talents, however splendid; their zeal, however ardent; and their integrity, however respectable, equally useless to the public, if those who are witnesses to evil deeds should neglect or refuse to submit them to judicial enquiry.

The same legal institutes which forbid private revenge, the same christian spirit which purifies the prosecution of offenders from personal or vindictive motives, combine to enforce the duty of contributing all in our power to support the cause of religion and virtue, and to preserve the good order of society, by laying open the wiles of the seducer, by defeating the stratagems of the fraudulent, and by checking the career of rapine and violence. So that in the more flagitious instances of criminality, how much soever tenderness, humanity, or religion, might incline us to pardon our own concern in the effect of it; a more enlarged philanthropy will fix our attention on the dangers in which our forbearance would involve innocent persons: nor will enlightened christianity acknowledge any merit in suffering our offending brother to run headlong, through unchecked and accumulated guilt, to a more certain forfeiture of mercy here, and a deeper abyss of misery hereafter.

III. Sub-

III. Submission to the established powers of government is clearly inconsistent with hasty and ill grounded censures of those, to whom the management of public affairs is committed.

God forbid, that he who feels a real grievance, should be discouraged from pursuing with firmness and perseverance the legal means of redress!—God forbid, that the constituted guardians of national liberty should slacken their endeavours to preserve entire and unmoved those sacred limits by which the powers of government are defined and circumscribed!—God forbid, that men of real abilities, in whatever station of life they may be, should hesitate to propose, with candour and decency, whatever plan or system, whatever measures, or change of measures, they may apprehend to conduce to the service of their country!

But, if men of genius and knowledge should pervert and prostitute these talents for the purpose of disseminating wilful misrepresentation and malicious invective—if they should endeavour to excite public discontent, on account of unfelt and imaginary grievances—or magnify existing evils, inseparable from all human institutions, and invidiously ascribe them to false causes;—if this should be done with a view to sow discord between the people and their rulers, and to weaken, or perhaps dissolve, the bonds of civil union:—If others,—possess only of ordinary abilities, and from want of leisure and opportunity, destitute of information on those points of political expediency,

expediency, the difficulties of which divide the sentiments of the wisest, and the wishes of the best of men—should, thus unqualified, not only presume to dictate public measures, but attempt to compel the adoption of their visionary schemes, by the loudness of their clamours, or the terror of their associations,—and if such efforts of licentiousness should inflame the hopes of the profligate, and inspire the quiet and peaceable inhabitants of the land with proportionate apprehension and uneasiness—We readily confess it is not *our* province to estimate the political importance or danger of such machinations, nor to determine what, nor whether any measures are to be taken in consequence of them. But we should ill acquit ourselves of our duty, as ministers of the gospel, towards the people committed to our charge, if we did not earnestly warn them of the absolute repugnancy of such principles and practices to the precepts of christianity; a repugnancy experimentally confirmed by the gross corruptions with which, in the last century, the hypocritical innovators of *this* country were forced to debase and disguise the gospel of Christ, before they could bend it to their purposes; and by the open and avowed apostacy of the more audacious foreign usurpers in the present unfortunate period. With what correspondent gradations of calamity and bloodshed, the contemplative enquirer will find but too abundant evidence to determine.

IV. The fourth and last remark I shall make on the submission required in the text, relates to the circumstances under which the apostle

apostle delivered this precept—circumstances so different from those of our time and nation, that there would be little need of mentioning them, if the contrast they form did not enhance our obligation to obey the injunction now before us, and at the same time provide us with an antidote against the poison instilled by those who affect to undervalue the singular blessings of our happy constitution.

This rule of conduct was primarily intended for the use of those jewish converts, who were scattered throughout the Asiatic provinces of the Roman empire. An empire, the sovereign of which had but to speak the word, and forthwith there went out a decree that all the world should be taxed. Besides these extraordinary levies, and the various and regular impositions on persons, lands, and goods, the produce of which was transmitted to the exchequer of that proud and distant city, which called herself the mistress of the world; the exactions of those magistrates, who were annually sent into the provinces with a numerous train of needy dependents, caused complaints, which were neither trivial, nor always ill grounded. Of these grievances the dispersed Jews would probably suffer more than a common portion, both as being generally deemed the most discontented and turbulent subjects of the empire, and as forming part of a nation, the main body of which was lifting the standard of its last and fatal revolt, about the time when this epistle was written. Notwithstanding these plausible causes of dissatisfaction, and the persecutions of the infant church, which in many instances arose

from the interested misrepresentations of provincial governors ; the apostle's command to the christian converts to submit themselves to these very governors is positive and explicit. He tells them unequivocally, that it is the will of God, and that they must do it for the Lord's sake. Adding it as a reason, that—whatever might be the faults of their government, or the injuries sustained by particular persons, the general object intended by the mission of these ministers of justice was the maintenance of public order and tranquility, *inasmuch as they were sent for the punishment of evil doers, and for the praise of them that did well.*

If therefore, in the apostle's opinion, guided by the inspiration of God's holy spirit, public peace and good order were worth preserving, even at the hazard or expence of so much private suffering :—what unfeigned and boundless thanks have we to return to the providence of the Almighty, under whose protection the wisdom of our ancestors hath established these blessings among us, upon the most solid foundation of national independence, true liberty, and diffusive happiness !

To deduce the proofs of this assertion from the many invaluable advantages *peculiar* to the British constitution, would be to enter on a field of observations, the survey of which equally exceeds our present opportunity, and my means of information. Yet I shall claim the indulgence of a few moments attention to some of the most prominent

prominent parts of that interesting subject, which bear an immediate relation to the duties, as well as privileges, of which the solemn business of the present season ought to remind us.

Is there a country, where the life, the liberty, or the property of *a single individual*, abstracted from all considerations of rank and influence, are held in such high and scrupulously tender estimation, or placed in such perfect and absolute security?—In these happy realms, the rights of the sovereign on the throne, and those of the poorest subject in his dominions may, and frequently do, come into fair and open competition before the august tribunal of the law, and are there discussed with equal and impartial regard, and without any other interference than that of the law itself.

Those venerable men, who at stated periods are *sent unto us*, under the commission and authority of the sovereign *for the punishment of evil doers, and for the praise of them that do well*, are selected from the most eminent members of a universally respected body, which for learning, candour and integrity, may justly claim the first rank among the professors of jurisprudence in the known world. Still, honourably as these magistrates are appointed, independent as they are of all arbitrary mandates or undue influence, and irremovably fixed in the seat of judgment, through the early and spontaneous suggestion of the Father of his people, and the unanimous sanction of a provident legislature; yet not even to *them*,
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doth the watchful tendernefs of the British constitution commit the
 fole decifion on the lives and property of their fellow fubjects.

Our reverend judges are happy to claim no other authority, than
 that of applying the determination of the known laws of the land to
 cafes decided upon by a fixt and confiderable number of our own
 neighbours and equals. And in order to elevate judicial certainty
 to the higheft point of perfection that human fallibility can attain
 to; the jury fo constituted is, before its final appointment (in all
 the moft momentous enquiries) liable to a moft extenfive privilege
 of objection and removal, vefted in the parties on whose lives and
 fortunes they are folemnly convened to decide. This grand bulwark
 of true liberty not only challenges the efteem and admiration of all
 men, but belongs fo excluſively to this happy nation, that it feems
 to baffle the endeavours which have been made in other places to
 adopt and imitate it.

This difficulty ariſes chiefly from *another* advantage, which emi-
 nently diſtinguiſhes and characteriſes the inhabitants of this iſland;
 I mean a better acquaintance with the laws of their country, than
 is to be found in the ſubjects of any other empire of equal extent
 and population. By the eſtabliſhment among us of trials by jury,
 at fo early a period as fruſtrates the reſearches of the antiquarian,
 and by its wonderful ſtability during all the viciffitudes which have
 convulſed and interrupted other parts of our government, it has
 inſpired

inspired the people with an affection and veneration for our ancient laws, which neither invasions, conquests nor revolutions could eradicate: and it has diffused among all classes and orders of men, practical ideas of law and equity, familiarity with the rules of legal evidence, and an habitual discernment in separating the proof adduced upon trial from their own personal knowledge, and from all other extraneous circumstances. These valuable accomplishments, joined to that humanity, which is the highest glory of our countrymen, have deservedly brought the verdict of an English jury to so exalted a degree of respectability, as no other nation that should adopt the like procedure could reasonably hope to rival in the succession of many generations.

Experience, thus long continued, and universally diffused, is not the only warrant we have for observing, that the severe, but absolutely necessary assumption, which in all governments inexorably debars every man from the plea of ignorance, makes a happier approach to truth in this country than in any other.—Among many concomitant causes of this general information are the very public discussions of every statute from its first proposal to its final establishment. Discussions not only open to the petitions of parties immediately concerned, but assisted by those public observations and suggestions, which the inviolable liberty of the press enables every one to propose, who has any knowledge of the subject matter. And as, in many important concerns, these animadversions are not
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only permitted, but countenanced and invited by long suspensions in the deliberations of the legislature; we may with truth affirm, that every man of abilities, be his situation what it may, has, or may have, a very considerable share in the business of legislation.

The last *distinctive* national advantage, which I shall allow myself to select out of the treasures of our constitution, results from the diligent and gratuitous labours of so many men of rank, fortune, and abilities, in the daily ministrations of justice: and particularly for the sacred preservation and exercise of that indefeasible right to the necessaries, and even reasonable comforts of life, which in case of accident, age, sickness, or casual suspension of employment, is secured to the inferior classes of the community, by as strong a title, as the richest of our fellow-subjects can produce for their paternal inheritance.

This is the admirable provision, which banishes absolute indigence from this fortunate country:—and this is the birthright and privilege, which, we may safely trust, would, upon any emergency, cheer the breast of the poorest subject in this kingdom, with a grateful consciousness that he *has* a valuable property to defend, by supporting a constitution, from which he derives such a security, as the laws of no other country have ever attempted to establish.

May God, whose never-failing Providence ordereth all things both in heaven and earth, and whose bounty has distinguished us by so
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many signal blessings, kindle in our hearts that fervent gratitude which these favours demand! May He give his angels charge over the person of our beloved sovereign! May the spirit of unerring wisdom guide, support and govern both prince and people, in the conscientious discharge of all the duties attached to their several stations! Above all, may the omnipotent influence of divine grace, so turn every one of us from the evil of his ways, that, amidst the dreadful judgments with which God now visiteth the earth, and the dangers which hang over our heads, our repentance may obtain his merciful protection, so that, being saved from our enemies, and from the hand of them that hate us, we may serve him without fear, in holiness and righteousness, and finally may be admitted to the participation of that rest which remaineth for the people of God.

F I N I S.



